

UNITED STATES OF AMERICA)
)
 v.) CAUSE NO. 1:09-CR-118
)
 ROBERT L. COLE)

(2) that the defendant understands his right to trial by jury, to persist in his plea of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and his right against compelled self-incrimination;

(3) that the defendant understands what the maximum possible sentence is, including the effect of the supervised release term, and defendant understands that the Sentencing Guidelines apply and that the Court may depart from those guidelines under some circumstances;

(4) that the plea of guilty by the defendant has been knowingly and voluntarily made and is not the result of force or threats or of promises apart from the plea agreement between the parties;

(5) that defendant is competent to plead guilty;

(6) that the defendant understands that his answers may later be used against him in a prosecution for perjury or false statement;

(7) that there is a factual basis for the defendant's plea; and further,

I RECOMMEND that the Court accept the defendant's plea of guilty and that the Defendant be adjudged guilty of the offenses charged in the Indictment, **Counts Three and Four**, and have sentence imposed. A Presentence Report has been ordered. Should this Report and Recommendation be accepted and the Defendant adjudged guilty, sentencing will be scheduled before Judge William C. Lee, by separate order and notice. Objections to the Findings and Recommendation are waived unless filed and served within fourteen (14) days. 28 U.S.C. § 636(b)(1)(B).

DATED this 9th day of February, 2010 .

/s/ Roger B. Cosbey
Roger B. Cosbey
United States Magistrate Judge